

# Act on Stabilization of Employment of Elderly Persons (Tentative translation)

(Act No. 68 of May 25, 1971)

## Chapter I General Provisions

### (Purpose)

Article 1 The purpose of this Act is to promote the welfare including stabilization of employment of Elderly Persons, etc. while contributing to the development of the economy and society, by taking comprehensive measures that are designed to facilitate the secure employment of Elderly Persons, such as raising the mandatory retirement age and introducing a system of continuous employment, to facilitate the re-employment of Elderly Persons, etc. and to secure employment opportunities for persons who have mandatorily retired and other elderly retirees.

### (Definition)

Article 2 (1) The term "Elderly Persons" as used in this Act means those whose ages are at or above the age specified by Ordinance of the Ministry of Health, Labour and Welfare.

(2) The term "Elderly Persons, etc." as used in this Act means Elderly Persons and the following persons who do not fall into the category of Elderly Persons:

(i) middle-aged and Elderly Persons (referring to those whose ages are at or above the age specified by Ordinance of the Ministry of Health, Labour and Welfare; the same applies in the following paragraph) who seek employment (excluding those listed in the following item);

(ii) middle-aged and elderly unemployed persons, etc. (unemployed persons whose ages are within the age range specified by Ordinance of the Ministry of Health, Labour and Welfare, and other unemployed persons specified by Ordinance of the Ministry of Health, Labour and Welfare as those for whom finding employment is particularly difficult; the same applies in Chapter III, Section 3).

(3) The term "Specified Area" as used in this Act means an area designated by the Minister of Health, Labour and Welfare as an area where it is extremely difficult for unemployed persons who are middle-aged and elderly to find employment.

### (Basic Principles)

Article 3 (1) Consideration must be given to ensure that Elderly Persons, etc.

have opportunities for employment and other various work opportunities in accordance with their wishes and abilities throughout their entire working lives while enriching the working lives.

- (2) Workers are to, on their own initiative, prepare a plan for their period of older age in order to enrich their working lives in this period, develop and improve their abilities, while maintaining and promoting their health based on the plan.

(Employer's Responsibilities)

Article 4 (1) The employer is to strive to secure employment opportunities, etc. for Elderly Persons that were employed by the employer in accordance with their wishes and abilities by developing and improving their work abilities, improving working facilities, and putting in place various other conditions, as well as supporting Elderly Persons, etc. that were employed by the employer for their re-employment and the like.

- (2) The employer is to strive to provide the necessary support for workers employed by the employer to prepare work plans into their old age in order to enable the workers to enrich their working lives by assisting them in accordance with their wishes and abilities in their old age.

(Responsibility of the National Government and Local Governments)

Article 5 While giving due consideration to the voluntary efforts of employers, workers, and other related persons, the national government and local governments are to provide the employers, workers, and other related persons with the necessary support, etc. in accordance with their circumstances, and are to strive to comprehensively and effectively promote measures necessary to secure work opportunities and other various employment opportunities, etc. for Elderly Persons, etc. in accordance with the Elderly Persons wishes and abilities, by implementing measures such as improving systems for employment placements and vocational training that are necessary to facilitate the re-employment of Elderly Persons, etc.

(Basic Policy for Measures for the Stabilization of Employment for Elderly Persons)

Article 6 (1) The Minister of Health, Labour and Welfare is to formulate a policy that forms the basis for the measures for the stabilization of employment of Elderly Persons, etc. (hereinafter referred to as the "Basic Policy for Measures for the Stabilization of Employment for Elderly Persons, etc.").

- (2) The particulars to be specified in the Basic Policy for Measures for the Stabilization of Employment for Elderly Persons, etc. are as follows:
  - (i) particulars concerning the trends in the employment of Elderly Persons, etc.;

- (ii) particulars concerning the goal of increasing job opportunities for Elderly Persons;
  - (iii) particulars that should be regarded as the necessary guidelines for the appropriate and effective implementation of the measures that the employer in Article 4, paragraph (1) should take, are to develop and enhance the capabilities of workers, to improve work facilities, improve other various conditions, and to support re-employment, as well as those measures that the employer in paragraph (2) of the same Article should take to support the preparation of work plans for old age;
  - (iv) particulars that should serve as the basis for the measures to be taken to facilitate smooth implementation of the measures for securing employment for Elderly Persons, etc. (referring to the measures for securing employment for Elderly Persons prescribed in Article 9, paragraph (1) and the measures for securing job opportunities for Elderly Persons prescribed in Article 10-2, paragraph (4); the same applies in Article 11)
  - (v) particulars that should serve as the basic policy underlying the measures to facilitate the re-employment of Elderly Persons, etc.;
  - (vi) in addition to the particulars listed in the preceding items, any other particulars that should serve as the basic policy underlying the measures to be taken to stabilize the employment of Elderly Persons, etc.
- (3) Prior to the formulation of the Basic Policy for Measures for the Stabilization of Employment for Elderly Persons, etc., the Minister of Health, Labour and Welfare must consult with the heads of the relevant administrative organs and listen to the opinions of the Labour Policy Council.
- (4) After having formulated the Basic Policy for Measures for the Stabilization of Employment for Elderly Persons, etc., the Minister of Health, Labour and Welfare must immediately, and publicly announce the outline thereof.
- (5) The provisions of the two preceding paragraphs apply mutatis mutandis to amendments of the Basic Policy for Measures for the Stabilization of Employment for Elderly Persons, etc.

(Exclusion from Application)

- Article 7 (1) This Act does not apply to mariners provided for in Article 6, paragraph (1) of the Mariners' Employment Security Act (Act No. 130 of 1948).
- (2) The provisions of the preceding Article, the following Chapter, Chapter III, Section 2, and Articles 49 and 52 do not apply to national government employees and local government employees.

**Chapter II Promotion of Securing Stable Employment for Elderly Persons  
by Raising the Mandatory Retirement Age and Introducing a Continuous  
Employment System**

(Cases Where the Age of the Mandatory Retirement Age Is Fixed)

Article 8 If an employer establishes a mandatory retirement age for workers they employ (hereinafter referred to as the "mandatory retirement age"), the mandatory retirement age must not be set below 60 years of age; provided, however, that this does not apply to workers employed by the employer who engage in work that has been deemed difficult for Elderly Persons to perform by Ordinance of the Ministry of Health, Labour and Welfare.

(Measures for Securing Employment for Elderly Persons)

Article 9 (1) If an employer fixes the mandatory retirement age (limited to under 65 years of age; hereinafter, the same applies in this Article), the employer must take any one of the measures listed in the following items in order to secure stable employment for Elderly Persons employed by the employer until 65 years of age (hereinafter referred to as the "measures for securing employment for Elderly Persons"):

(i) raising the mandatory retirement age;

(ii) introduction of a continuous employment system (referring to a system under which an Elderly Person currently employed continues to be employed after the mandatory retirement age, if the Elderly Person so desires; the same applies hereinafter);

(iii) abolition of the mandatory retirement age.

(2) Continuous employment systems are to include a mechanism whereby an employer concludes a contract with a specially related employer (referring to an employer in a relationship with the given employer that allows it to have substantial control of the business of the given employer and any other employer specified by Ordinance of the Ministry of Health, Labour and Welfare as being in a special relationship with the given employer; hereinafter, the same applies in this paragraph and Article 10-2, paragraph (1)) promising that the specially related employer will continue to employ Elderly Persons currently employed by the employer who wish to be employed after the mandatory retirement age, etc., and the employment of the Elderly Persons is secured based on the contract.

(3) The Minister of Health, Labour and Welfare is to specify the guidelines concerning the implementation and operation of the measures for securing employment for Elderly Persons (referred to as the "guidelines" in the following paragraph) that the employer in paragraph (1) should take (including treatment of persons that have difficulty fulfilling their duties in the continuous employment system due to a mental or physical disorders).

(4) The provisions of Article 6, paragraphs (3) and (4) apply mutatis mutandis to formulations of and amendments to the guidelines.

(Publication)

Article 10 (1) The Minister of Health, Labour and Welfare may give necessary guidance and advice to an employer who violates the provisions of paragraph (1) of the preceding Article.

(2) When the Minister of Health, Labour and Welfare finds that an employer still violates the provisions of paragraph (1) of the preceding Article, even after having received guidance and advice as provided for in the provisions of the preceding paragraph, the Minister of Health, Labour and Welfare may recommend the employer implement the measures for securing employment for Elderly Persons.

(3) When an employer has received recommendations provided for in the provisions of the preceding paragraph but fails to follow the recommendations, the Minister of Health, Labour and Welfare may make it public.

(Measures for Securing Job Opportunities for Elderly Persons)

Article 10-2 (1) An employer that has established a mandatory retirement age (limited to those aged 65 or older but younger than 70; hereinafter the same applies in this Article), or an employer who has introduced a continuous employment system (excluding a system under which Elderly Persons are employed continuously until 70 years of age or older; hereinafter the same applies in this paragraph) must endeavor to secure stable employment for persons aged 65 to 70. This involves taking the following measures with respect to Elderly Persons employed by the employer (including individuals currently employed by a specially-related employer that has entered into a contract with the employer based on the provisions of Article 9, paragraph (2), and excluding individuals specified by Ordinance of the Ministry of Health, Labour and Welfare; hereinafter the same applies in this Article); provided, however, that this does not apply if the employer secures the employment of Elderly Persons employed by the employer after the mandatory retirement age, etc. (referring to the period after reaching the mandatory retirement age or after reaching the upper limit of the age established by the continuous employment system; hereinafter the same applies in this Article) or if the employer secures the employment of Elderly Persons employed by the employer, for a period lasting until the age of 70, after those individuals have reached the upper age limit established by the continuous employment system for persons over 65 years of age set forth in item (ii), by taking measures for start-up support, etc. for which the employer has obtained consent, as prescribed by Ordinance of the Ministry of Health, Labour and Welfare, from a labor union organized by a majority of the workers (if there is one) or from a person representing a majority of the workers (if there is no labor union organized by

a majority of the workers):

- (i) raising the mandatory retirement age;
  - (ii) introduction of a continuous employment system for persons 65 years of age or older (referring to a system in which an Elderly Person employed by the employer continues to be employed after the mandatory retirement age, etc., if the Elderly Person so desires; hereinafter the same applies in this Article and Article 52, paragraph (1));
  - (iii) abolition of the mandatory retirement age.
- (2) The measures for start-up support, etc. set forth in the preceding paragraph refer to the following measures:
- (i) Measures to ensure that, when an Elderly Person expresses a desire to initiate a new business (including cases specified by Ordinance of the Ministry of Health, Labour and Welfare), an employer is to conclude with the Elderly Person who starts the business (including persons specified by Ordinance of the Ministry of Health, Labour and Welfare; hereinafter referred to as "elderly founder" in this item) an entrustment contract or other contract (excluding a labor contract and limited to those under which the employer pays money to the elderly founder, etc. who starts the business based on the entrustment contract or other contract) relating to the business, and ensure the employment of the Elderly Person based on the contract;
  - (ii) measures to secure the employment of an Elderly Person (excluding measures falling under the preceding item) based on an entrustment contract or any other contract (excluding a labor contract, and limited to those where the person who implements the business pays money to the Elderly Person based on the entrustment contract or any other contract) relating to the following business (with regard to the businesses referred to in (b) or (c), limited to a contract concluded between the employer and the person implementing the business promising that the person implementing the business will provide the Elderly Person with opportunities to engage in the business) if the Elderly Person wishes to be employed by the person;
    - (a) social contribution businesses (referring to social contribution activities and other businesses aimed at contributing to the promotion of the interests of many and unspecified persons; hereinafter the same applies in this item) implemented by the employer;
    - (b) social contribution businesses implemented by a corporation or other organization based on an entrustment from the employer;
    - (c) social contribution businesses implemented by a corporation or other organization, for which the employer provides the necessary funds or other assistance to facilitate the smooth implementation of social contribution businesses.
- (3) Continuous employment systems for persons 65 years of age or older are to

include a mechanism by which an employer concludes a contract with another employer promising that the other employer will continue to employ Elderly Persons employed by the employer who wish to be employed after the mandatory retirement age, etc., and the employment of the Elderly Persons is secured based on the contract.

- (4) The Minister of Health, Labour and Welfare is to establish guidelines for the implementation and operation of the measures set forth in the items of paragraph (1) and the measures for start-up support, etc. (referred to as the "measures for securing job opportunities for Elderly Persons" in paragraphs (1) and (2) of the following Article) (such guidelines are referred to as the "guidelines" in the following paragraph) (including treatment under continuous employment systems for persons 65 years of age or older, encompassing those who are unable to perform their duties due to a mental or physical disorder, or measures for start-up support, etc.).
- (5) The provisions of Article 6, paragraphs (3) and (4) apply mutatis mutandis to formulations of and amendments to the guidelines.

(Plans for Measures for Securing Job Opportunities for Elderly Persons)

Article 10-3 (1) When the Minister of Health, Labour and Welfare finds it necessary for securing stable employment for Elderly Persons from 65 to 70 years of age and other employment opportunities for Elderly Persons in light of the Basic Policy for Measures for the Stabilization of Employment for Elderly Persons, etc., the minister may provide an employer with necessary guidance and advice with regard to the implementation of measures for securing job opportunities for Elderly Persons.

- (2) In cases where the Minister of Health, Labour and Welfare has provided guidance or advice pursuant to the provisions of the preceding paragraph, when the minister finds that the situation concerning the implementation of measures for securing job opportunities for Elderly Persons has not improved, the minister may recommend that the employer prepare a plan concerning the implementation of measures for securing job opportunities for Elderly Persons, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.
- (3) After preparing the plan set forth in the preceding paragraph, the employer is to submit it to the Minister of Health, Labour and Welfare pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare. The same applies when the employer revises the plan.
- (4) When the Minister of Health, Labour and Welfare finds that the plan set forth in paragraph (2) is particularly unsuitable, the minister may recommend that the employer who prepared the plan make revisions.

(Promoter of Employment of Elderly Persons)

Article 11 Pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare, an employer must strive to appoint a person who is to be responsible for improving working facilities and various other conditions in order to promote measures for securing employment for Elderly Persons.

### **Chapter III Facilitating the Re-Employment of Elderly Persons**

#### **Section 1 Facilitating the Re-Employment of Elderly Persons by the National Government**

(Effective Promotion of Measures That Facilitates Re-Employment)

Article 12 For the purpose of facilitating, etc. the re-employment of Elderly Persons, etc., the national government is to give consideration so that vocational guidance, employment placements, vocational training, and other measures concerning Elderly Persons, etc. can be implemented in an effective and coordinated way.

(Searching for Job Openings)

Article 13 For the purpose of facilitating, etc. the re-employment of Elderly Persons, the Public Employment Security Offices are to search for job openings in order to secure employment opportunities for Elderly Persons, etc. and are to also strive to collect information concerning job openings and job applications related to Elderly Persons, etc. and to provide such information to job seeking Elderly Persons, etc. and to employers.

(Guidance and Support for Recruiting Employers)

Article 14 (1) When deemed necessary in order to introduce Elderly Persons, etc. to employment that is compatible with their abilities, the Public Employment Security Offices are to give guidance to recruiting employers on age and other conditions..

(2) The Public Employment Security Offices may give those that employ or seek to employ Elderly Persons, etc. the necessary advice and other support on technical particulars concerning the employment of Elderly Persons, etc. such as on hiring, assignments, working equipment and the working environment.

#### **Section 2 Support for the Re-Employment of Elderly Persons by Employers**

(Measures to Support Re-Employment)

Article 15 (1) If an Elderly Person, etc. or other person specified by Ordinance of the Ministry of Health, Labour and Welfare (hereinafter referred to as "Elderly

Persons eligible for re-employment assistance, etc.") is separated from employment (limited to those specified by Ordinance of the Ministry of Health, Labour and Welfare due to being dismissed by their employer (excluding dismissal based on grounds attributable to those persons themselves) or due to any other reason specified by Ordinance of the Ministry of Health, Labour and Welfare), and if the Elderly Person eligible for re-employment assistance, etc. wishes to be re-employed, the employer must strive to search for job openings and take other necessary measures to support the Elderly Person eligible for re-employment assistance, etc. in their search for re-employment (hereinafter referred to as the "measures to support re-employment").

- (2) The Public Employment Security Offices are to provide an employer with the necessary advice and other support for the measures to support re-employment that should be taken by the employer pursuant to the provisions of the preceding paragraph, at the request of the employer.

(Notification of Multiple Separations from Employment)

Article 16 (1) In the event that the Elderly Persons eligible for re-employment assistance, etc. whose number is equal to or greater than the number specified by Ordinance of the Ministry of Health, Labour and Welfare are separated from employment due to a reason specified by Ordinance of the Ministry of Health, Labour and Welfare as set forth in paragraph (1) of the preceding Article, the employer must notify the Chief of the Public Employment Security Office thereof in advance, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

- (2) The calculation of the number of workers separated from employment in the case referred to in the preceding paragraph is to be made by the calculation method specified by Ordinance of the Ministry of Health, Labour and Welfare.

(Drafting a Job-Seeking Support Plan)

Article 17 (1) When Elderly Persons, etc. (limited to those specified by Ordinance of the Ministry of Health, Labour and Welfare) who have been separated from their employment due to dismissal (excluding dismissal based on grounds attributable to the Elderly Person) or other reasons specified by Ordinance of the Ministry of Health, Labour and Welfare as being similar to dismissal (hereinafter referred to as "Dismissal, etc." in this paragraph) wish to be re-employed, an employer must, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare, draft a document (hereinafter referred to as the "Job-Seeking Support Plan") regarding the particulars specified by Ordinance of the Ministry of Health, Labour and Welfare concerning their work experience, occupational abilities, and other particulars that will help the them become re-employed (excluding the reasons for their

Dismissal, etc.), as well as clarifying the measures to be taken by the employer to support their re-employment, and issue it to the Elderly Persons, etc., in order to facilitate their re-employment.

- (2) An employer who has drafted a Job-Seeking Support Plan pursuant to the provisions of the preceding paragraph is to appoint a person to be in charge of re-employment support from among the persons employed by the employer and have that person provide, in accordance with the Job-Seeking Support Plan, support for the re-employment of Elderly Persons, etc. connected with the Job-Seeking Support Plan in cooperation with the Public Employment Security Offices and pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(Guidance, Advice, and Recommendations)

Article 18 (1) The Minister of Health, Labour and Welfare may give necessary guidance and advice to an employer who violates the provisions of paragraph (1) of the preceding Article.

- (2) If the Minister of Health, Labour and Welfare finds that an employer still violates the provisions of paragraph (1) of the preceding Article, even after having received the guidance and advice as provided for in the provisions of the preceding paragraph, the Minister of Health, Labour and Welfare may recommend the employer prepare a Job-Seeking Support Plan and issue it to Elderly Persons, etc. connected with the Job-Seeking Support Plan.

(Advice and Other Support for Workers Concerned with the Job-Seeking Support Plan)

Article 19 (1) Workers who have received a Job-Seeking Support Plan may present the plan to the Public Employment Security Offices when applying for employment there.

- (2) When presented with a Job-Seeking Support Plan pursuant to the provisions of the preceding paragraph, the Public Employment Security Offices are to consider the content of the Job-Seeking Support Plan and offer advice on how to prepare a document that clarifies the work experiences, etc. of the job seeker and provide other support to the job seeker.
- (3) If deemed necessary when offering the advice and other support provided for in the preceding paragraph, the Chief of the Public Employment Security Office may request that the employer that prepared the Job-Seeking Support Plan provide information and any other necessary cooperation.

(Providing Reasons for Recruitment and Employment)

Article 20 (1) When an employer recruits or employs workers and sets an upper age limit for applicants (limited to not more than 65 years of age) due to

compelling reasons, the employer must explain the reasons for the limitation to the job seekers, pursuant to a method specified by Ordinance of the Ministry of Health, Labour and Welfare.

- (2) If the Minister of Health, Labour and Welfare deems it necessary, the minister may request reports from an employer or give advice, guidance, or recommendations, with regard to providing grounds specified in the preceding paragraph or the content of the grounds,

(Measures to Support Preparations for Retirement in the Case of Retirement upon mandatory retirement age)

Article 21 An employer must strive to take measures to provide support to Elderly Persons employed by the employer in order that they acquire the necessary knowledge concerning life after retirement and establish other measures in order to support Elderly Persons in making the necessary preparations to facilitate their retirement from occupational life, in accordance with their wishes, after retirement due to reaching the mandatory retirement age or for other similar reasons.

### **Section 3 Special Measures for Middle-Aged and Elderly Unemployed Persons**

(Issuance of Job Application Pocketbooks for Middle-Aged and Elderly Unemployed Persons)

Article 22 The Chief of the Public Employment Security Office is to issue job application pocketbooks for middle-aged and elderly unemployed persons, etc. (hereinafter referred to as a "Pocketbook") to middle-aged and elderly unemployed persons, etc. who fall under each of the following items, based on an application from the persons:

- (i) that the persons have applied to the Public Employment Security Offices for employment;
- (ii) that the persons are recognized as willing to earnestly engage in job-seeking activities in good faith;
- (iii) that the persons have been deemed to be in need of receiving the measures listed in each item of Article 25, paragraph (1);
- (iv) that, in addition to the requirements listed in the preceding three items, the persons meet the requirements concerning their living conditions and other particulars specified by the Minister of Health, Labour and Welfare after listening to the opinion of the Labour Policy Council.

(Validity Period of a Pocketbook)

Article 23 (1) The Pocketbook remains valid for the period specified by

Ordinance of the Ministry of Health, Labour and Welfare.

- (2) The Chief of the Public Employment Security Office may extend the validity period of a recipient's Pocketbook for the period specified by Ordinance of the Ministry of Health, Labour and Welfare, when the Chief recognizes that the person continues to have difficulty in finding employment after the lapse of the validity period of the Pocketbook referred to in the preceding paragraph and therefore remains in need of the measures listed in each item of Article 25, paragraph (1).
- (3) In specifying the period to be set by Ordinance of the Ministry of Health, Labour and Welfare under the preceding two paragraphs, special consideration may be given to persons residing in Specified Areas.

(Invalidation of a Pocketbook)

Article 24 (1) When the Chief of the Public Employment Security Office recognizes that a person who has received a Pocketbook falls under any of the following items, the Pocketbook becomes invalidated:

- (i) when the person has newly obtained stable employment;
  - (ii) when the person no longer fulfills any of the qualification requirements listed in each item of Article 22;
  - (iii) in addition to the provisions of the preceding two items, when the person meets any other requirements specified by the Minister of Health, Labour and Welfare after listening to the opinions of the Labour Policy Council.
- (2) In the case referred to in the preceding paragraph, the Chief of the Public Employment Security Office is to notify the person who has received the Pocketbook thereof.

(Formulation of a Plan)

Article 25 (1) The Minister of Health, Labour and Welfare is to formulate a plan to ensure that the measures listed in each of the following items are implemented in an effective and coordinated way in order to facilitate the employment of persons who have received Pocketbooks:

- (i) vocational guidance and employment placements;
- (ii) vocational training conducted by public human resources development facilities (including vocational training conducted by a Polytechnic University);
- (iii) training conducted by the national government or local governments (excluding the training listed in the preceding item) that is designed to help unemployed persons adapt to the working environment or to enable them to acquire the knowledge and skills necessary to gain employment (including training conducted by a person that has been entrusted with the training by the national government or local governments);

- (iv) beyond the measures listed in the preceding three items, those measures specified by Ordinance of the Ministry of Health, Labour and Welfare.
- (2) Prior to the formulation the plan referred to in the preceding paragraph, the Minister of Health, Labour and Welfare must listen to the opinions of the Labour Policy Council.

(Instructions by the Chief of the Public Employment Security Offices)

Article 26 (1) When the Chief of the Public Employment Security Office issues a Pocketbook, the Chief is to instruct the person receiving the Pocketbook to receive all or part of the measures listed in each item of paragraph (1) of the preceding Article based on the plan referred to in the same paragraph (hereinafter referred to as the "measures to promote employment") during the validity period of the Pocketbook, according to the person's knowledge, skills, work experience, and other circumstances.

- (2) Upon extending the validity period of a Pocketbook for a person who has received it, the Chief of the Public Employment Security Office is to again, instruct the person to receive all or part of the measures to promote employment during the extended validity period of a Pocketbook.
- (3) When the Chief of the Public Employment Security Office finds it necessary to increase the effectiveness of measures to promote employment for a person who has received instructions referred to in the preceding two paragraphs, the Chief may modify the instructions issued to the person.

(Responsibilities of the Relevant Organizations)

Article 27 (1) The employment security agencies, local governments, and the Japan Organization for Employment of the Elderly, Persons with Disabilities and Job Seekers (referred to as the "Organization" in Article 49, paragraphs (2) and (3)) must strive to liaise closely and cooperate to ensure the smooth implementation of measures to promote employment for persons receiving the instructions referred to in paragraphs (1) or (2) of the preceding Article.

- (2) A person who has received the instructions referred to in paragraph (1) or (2) of the preceding Article must follow the guidance or instructions of the official who is implementing the measures to promote employment and also must strive to promptly find employment on their own initiative.

(Payment of Allowance)

Article 28 The national government and the prefectures may, pursuant to the provisions of the Act on Comprehensively Advancing Labor Measures, Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives (Act No. 132 of 1966), pay an allowance to a person who receives the measures to promote employment under the instructions referred to in Article

26, paragraph (1) or (2) during the validity period of their Pocketbook, in an effort to facilitate the person's job-seeking activities and ensure the stability of their livelihoods.

(Employment Promotion Officer)

Article 29 Vocational guidance as part of measures to promote employment is to be provided by employment promotion officers under Article 9-2, paragraph (1) of the Employment Security Act (Act No. 141 of 1947).

(Request for Reports)

Article 30 The Chief of the Public Employment Security Office may request a person receiving measures to promote employment to submit reports on the status of their job-seeking activities in accordance with the instructions referred to in Article 26, paragraph (1) or (2).

(Measures in Specified Areas)

Article 31 With regard to middle-aged and elderly unemployed persons, etc. residing in Specified Areas, the Minister of Health, Labour and Welfare is to formulate a plan relating to the implementation of employment placements and vocational training, etc., implementation of projects designed to increase employment opportunities, and other particulars necessary to promote the employment of the persons, as well as establishing necessary measures based on this plan.

Article 32 (1) When the Minister of Health, Labour and Welfare deems it to be necessary based on the employment conditions of middle-aged and elderly unemployed persons, etc. in Specified Areas, the Minister of Health, Labour and Welfare may, with respect to public works projects planned and executed in the Specified Areas (referring to public-oriented construction and restoration projects planned and executed directly by the national government or by corporations established by a special act of incorporation pursuant to a special act (limited to corporations specified by Cabinet Order for which all or most of the stated capital comes from investment by the national government, or for which the primary source of funds for expenses necessary to carry out the projects comes from grants or subsidies from the national government) (referred to as the "national government, etc." in the following paragraph), or by local governments, etc. to which a contribution or subsidy from the national treasury has been provided; the same applies hereinafter), fix a percentage of the number of middle-aged and elderly unemployed persons, etc. among the total number of workers employed in these projects (hereinafter referred to as the "absorption ratio of unemployed persons") by occupation or area, according

to the type of project.

- (2) The national government, etc. or local governments, etc. which plan and execute a public works project for which the absorption ratio of unemployed persons has been fixed (including persons that execute these projects based on a subcontract or other contract with the national government, etc. or local governments, etc.; hereinafter referred to as the "corporation, etc. for a public works project") must employ middle-aged and elderly unemployed persons, etc. in the number corresponding to the absorption ratio of unemployed persons at all times, through referrals of the unemployed persons by the Public Employment Security Offices.
- (3) If it is difficult for the corporation, etc. for a public works project to employ middle-aged and elderly unemployed persons, etc. in the number required by the provisions of the preceding paragraph through referrals of unemployed persons by the Public Employment Security Offices, the corporation, etc. for a public works project may directly employ the number of difficult-to-hire workers upon receiving written consent from the Public Employment Security Offices.

(Delegation to Ordinance of the Ministry of Health, Labour and Welfare)

Article 33 Beyond the provisions described in this Section, the issuing of Pocketbooks, the returning of Pocketbooks, other necessary particulars pertaining to Pocketbooks, necessary particulars pertaining to procedures for the instructions referred to in Article 26, paragraph (1) or (2), and necessary particulars pertaining to the absorption of middle-aged and elderly unemployed persons, etc. into public works projects, are specified by Ordinance of the Ministry of Health, Labour and Welfare.

#### **Chapter IV Securing Diverse Job Opportunities for Elderly Persons According to Local Conditions**

(Plan for Securing Diverse Employment Opportunities for Elderly Persons  
According to Local Conditions)

- Article 34 (1) Local governments may, individually or jointly, through consultation at the council set forth in paragraph (1) of the following Article and in accordance with the actual circumstances of the area, formulate a plan for securing diverse employment opportunities for Elderly Persons (hereinafter referred to as a "local plan for securing job opportunities for Elderly Persons" in this Article and the same paragraph), consult with the Minister of Health, Labour and Welfare, and seek the minister's consent.
- (2) A local plan for securing job opportunities for Elderly Persons is to provide for the following particulars:

- (i) the area subject to the local plan for securing job opportunities for Elderly Persons (referred to as the "plan area" in item (i) of the following paragraph);
  - (ii) particulars concerning the types of businesses in which job opportunities for Elderly Persons are to be strategically secured by taking advantage of local characteristics;
  - (iii) particulars concerning programs implemented by the national government that contribute to the employment of Elderly Persons;
  - (iv) the period covered by the plan.
- (3) In addition to the particulars set forth in the items of the preceding paragraph, efforts are to be made to specify the following particulars in a local plan for securing job opportunities for Elderly Persons:
- (i) particulars concerning the goals for securing job opportunities for Elderly Persons in the plan area;
  - (ii) particulars concerning projects that contribute to securing job opportunities for Elderly Persons implemented by local governments, members of the council set forth in paragraph (1) of the following Article, and other relevant persons.
- (4) If a local government intends to make changes to the local plan for securing job opportunities for Elderly Persons for which it has obtained the consent set forth in paragraph (1), it must consult with and obtain the consent of the Minister of Health, Labour and Welfare.
- (5) With regard to the programs prescribed in paragraph (2), item (iii) pertaining to a local plan for securing job opportunities for Elderly Persons for which the consent set forth in paragraph (1) has been obtained (when consent for change under the provisions of the preceding paragraph has been given, the plan after the change), the government is to provide them as Employment Stabilization Programs set forth in Article 62 of the Employment Insurance Act (Act No. 116 of 1974) or as Human Resources Development Programs set forth in Article 63 of the same Act.

(Council)

Article 35 (1) Local governments, relevant organizations, silver human resources centers prescribed in Article 37, paragraph (2), employer organizations, persons engaged in work related to Elderly Persons, and other relevant persons may organize a council to share information on local issues concerning the securing of diverse job opportunities for Elderly Persons and promotion of closer collaboration, as well as to discuss necessary matters concerning a local plan for securing job opportunities for Elderly Persons and other measures for the securing of diverse job opportunities for Elderly Persons in accordance with the actual circumstances in the area.

(2) With regard to the particulars discussed at the council set forth in the

preceding paragraph, the members of the council must respect the outcomes of the discussions.

## **Chapter V Securing Employment Opportunities for Persons Who Have Mandatorily Retired**

(Measures Taken by the National Government and Local Governments)

Article 36 The national and local governments will strive to provide consultations regarding employment to elderly retirees, including those who have reached the mandatory retirement age, who wish to engage in temporary short-term employment or light tasks as provided for in paragraph (1) of the following Article; foster organizations providing employment opportunities to meet such wishes; and take other necessary measures in order to secure other opportunities for their employment.

## **Chapter VI Silver Human Resources Centers**

### **Section 1 Silver Human Resources Centers**

(Designation)

Article 37 (1) The prefectural governor may, based on applications therefrom, designate general incorporated associations or general incorporated foundations (referred to as "Elderly Persons Employment Support Corporations" in the following paragraph and Article 44, paragraph (1)), that, in addition to having been established for the purpose of contributing to the advancement of the welfare of the elderly by securing, and systematically providing, opportunities for temporary short-term work or other light tasks (limited to those specified by the Minister of Health, Labour and Welfare upon taking into consideration the relevant labor supply-and-demand situation and the practical aspects of the work concerned, etc.; the same applies in the following Article) based on the preferences of the elderly retirees, including those who have reached the mandatory retirement age, and thereby enabling the active utilization of their abilities and assisting with their search for employment, are also deemed to comply with the criteria listed below concerning the operations provided for in the following Article, as the party that is to carry out the operations provided for in this Article, with only a single such organization to be designated for each municipal area (or, when deemed necessary to ensure the smooth operations of the activities listed in paragraph (1), items (i) and (ii) of the following Article, in accordance with the criteria specified by Ordinance of the Ministry of Health, Labour and Welfare, taking into consideration the circumstances of employment opportunities for temporary short-term work in the areas and other relevant circumstances, two

or more municipal areas as designated by the prefectural governor) (including special wards; the same applies in Articles 39 and 44); provided, however, that areas (if changes have been made to paragraphs (2) or (4) of the same Article, then areas after changes have been made; hereinafter referred to as the "designated areas of the association") pertaining to the designation in Article 44, paragraph (1) pertaining to parties who have received the designation pursuant to the same paragraph (hereinafter referred to as the "silver human resources center association") cannot be deemed as areas pertaining to the designation in this paragraph:

- (i) the plan for the implementation of operations that covers personnel, operational procedures, and other matters are appropriate, and that the person is found to have sufficient financial and technical basis in order to carry out the plan in a reliable manner;
  - (ii) that, in addition to the provisions of the preceding item, the person is found to be capable of carrying out the operations in a proper and reliable manner and is contributing to the enhanced welfare of Elderly Persons.
- (2) The designation in the preceding paragraph may not apply to Elderly Persons Employment Support Corporations that possess as its members, two or more persons (hereinafter referred to as the "silver human resources center") that have received a designation under the same paragraph.
- (3) When making the designation under paragraph (1), the prefectural governor must make public the name, address, and location of the office of the silver human resources center, as well as the area concerned with the designation.
- (4) When a silver human resources center seeks to change its name, address, or the location of its office, it must notify the prefectural governor thereof in advance.
- (5) When a notification provided for in the preceding paragraph has been submitted, the prefectural governor must make public the particulars concerning the notice.

(Operations)

Article 38 (1) Silver human resources centers are to carry out the following operations in the areas (hereinafter referred to as the "designated areas of the centers") pertaining to the designation under paragraph (1) of the preceding Article:

- (i) to secure employment opportunities for temporary short-term work (except work pursuant to employment) or other light activities (except work pursuant to employment) and provide the employment opportunities systematically to elderly retirees wishing to be employed in the work or activities;
- (ii) to provide a free employment placement service for elderly retirees wishing

- to be employed in temporary short-term work or other light activities (limited to work pursuant to employment);
- (iii) to conduct training courses for elderly retirees aimed at providing them with the knowledge and skills necessary to engage in temporary short-term work or other light activities;
- (iv) in addition to the operations described in the preceding three items, to carry out any other operations necessary for temporary short-term work or other light activities for elderly retirees.
- (2) Notwithstanding the provisions of Article 30, paragraph (1) of the Employment Security Act, silver human resources centers may provide a fee-based employment placement service in their operations, as provided for in item (ii) of the preceding paragraph, by notifying the Minister of Health, Labour and Welfare of the service, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.
- (3) The provisions of Articles 5-2 to 5-8; Article 18-2; Article 32-3; Article 32-4, paragraph (2); Article 32-8, paragraph (1); Article 32-9, paragraph (2); Articles 32-10 to 32-13; Article 32-15; Article 32-16; Articles 33-5 to 34; Articles 48 to 48-4; Article 51; and Articles 64 to 67 of the Employment Security Act, as well as the provisions of Chapter III of the Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives, apply to the fee-based employment placement service as provided for in the preceding paragraph, by regarding a silver human resources center as an employment placement service provider, as provided for in Article 4, paragraph (10) of the Employment Security Act, or as a fee-based employment placement service provider, as provided for in Article 32-3, paragraph (1) of the same Act, or as an employment placement agency, as provided for in Article 2 of the Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives, and by regarding the notification made under the provisions of the preceding paragraph to constitute the necessary license under the provisions of Article 30, paragraph (1) of the Employment Security Act. In this case, the phrase "Article 32-9, paragraph (2)" in Article 18-2 of the Employment Security Act is deemed to be replaced with "Article 32-9, paragraph (2) as applied pursuant to the provisions of Article 38, paragraph (3) of the Act on Stabilization of Employment of Elderly Persons"; the phrase "a person who has obtained the license provided for in Article 30, paragraph (1)" in Article 32-3, paragraph (1) of the same Act is deemed to be replaced with "a person who carries out the fee-based employment placement service after making a written notice pursuant to the provisions of Article 38, paragraph (2) of the Act on Stabilization of Employment of Elderly Persons"; the phrase "a person who has received issuance of a license certificate, the license certificate"

in Article 32-4, paragraph (2) of the same Act is deemed to be replaced with "a person who has submitted a written notice pursuant to the provisions of Article 38, paragraph (2) of the Act on Stabilization of Employment of Elderly Persons, and documents stating that the person has submitted the written notice and other particulars specified by Ordinance of the Ministry of Health, Labour and Welfare"; and the phrase "item (ii) or (iii) of the preceding paragraph" in Article 32-9, paragraph (2) of the same Act is deemed to be replaced with "item (ii) of the preceding paragraph."

(4) Beyond the provisions of the preceding two paragraphs, any other necessary particulars in connection with the fee-based employment placement service as set forth in the provisions of paragraph (2) are specified by Ordinance of the Ministry of Health, Labour and Welfare.

(5) Notwithstanding the provisions of Article 5, paragraph (1) of the Act on Securing the Proper Operation of Worker Dispatching Businesses and Protecting Dispatched Workers (Act No. 88 of 1985, hereinafter referred to as the "Worker Dispatching Act"), silver human resources centers may, as an operation provided for in paragraph (1), item (iv), and only for elderly retirees who are its members, conduct worker dispatching businesses as provided in Article 2, item (iii) of the Worker Dispatching Act (hereinafter referred to as "worker dispatching businesses") by submitting a notice to the Minister of Health, Labour and Welfare, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(6) Regarding the worker dispatching businesses under the provisions of the preceding paragraph, the provisions of Article 5, paragraph (5); Article 7; Article 8, paragraphs (1) and (3); Article 9; Article 10; Article 11, paragraphs (3) and (4); Article 13, paragraph (2); Article 14, paragraph (1), item (iii); Article 30; Article 37, paragraph (1), item (ix); and Article 54 of the Worker Dispatching Act do not apply. With regard to the application of other provisions of the Worker Dispatching Act, silver human resources centers are deemed dispatching business operators as provided for in Article 2, item (iv) of the Worker Dispatching Act and the notification provided under the provisions of the preceding paragraph is deemed to be the license under the provisions of Article 5, paragraph (1) of the Worker Dispatching Act. In this case, the terms or phrases listed in the middle column of the table below that appear in the provisions of the Worker Dispatching Act, as listed in the left-hand column of the table, are deemed to be replaced with the corresponding terms or phrases listed in the right-hand column of the table.

Article 5, paragraph (2)	Any person who wishes to be granted the license set forth in the preceding paragraph	Any person who seeks to operate a worker dispatching business by providing notice pursuant to the provisions of Article 38, paragraph (5) of the Act on Stabilization of Employment of Elderly Persons (Act No. 68 of 1971)
	written application form	written notice
Article 5, paragraph (3)	written application form	written notice
Article 6	may not be granted the license referred to in paragraph (1) of the preceding Article	must not carry out a worker dispatching business by establishing a new office for the worker dispatching business
Article 6, item (v)	whose license for a worker dispatching business was rescinded, the date of the rescission	whose dispatching business was ordered to discontinue operations, the date of the order
Article 6, item (vi)	if the person concerned is a corporation whose license for a worker dispatching business was rescinded pursuant to the provisions of Article 14, paragraph (1) (if the license was rescinded pursuant to the provisions of item (i) of the same paragraph, the corporation	if a silver human resources center is ordered to discontinue the worker dispatching business pursuant to the provisions of Article 14, paragraph (1) (if the center is ordered to discontinue it pursuant to the provisions of item (i) of the same paragraph, the silver human resources center
	rescission	order
	the corporation	the silver human resources center
Article 6, item (vii)	rescission of a license for a worker dispatching business	order to discontinue the worker dispatching business
Article 6, item (viii)	the preceding item	silver human resources centers, the preceding item
	is a corporation that has submitted a notification	has submitted a notification

	the corporation (excluding the case where the corporation has adequate grounds for the discontinuance of the relevant worker dispatching business)	the silver human resources center (excluding the case where the center has adequate grounds for the discontinuance of the relevant worker dispatching business)
Article 8, paragraph (2)	any person who has been issued license certificates, the license certificates	any person who has submitted a written notice pursuant to the provisions of Article 5, paragraph (2), documents stating the fact that the person has submitted the written notice and other matters specified by Ordinance of the Ministry of Health, Labour and Welfare
Article 14, paragraph (1)	may revoke the license under the provisions of Article 5, paragraph (1)	may order the discontinuation of the worker dispatching business, and may order the discontinuation of the worker dispatching business in the event it falls under any of the items (v) through (viii) of Article 6 at the time of commencing the worker dispatching business (when two or more places of business are established and each carries out a worker dispatching business, it pertains to the worker dispatching business at each place of business; hereinafter, the same applies in this paragraph)
Article 14, paragraph (1), item (iv)	Article 30, paragraph (1) as applied pursuant to Articles 23, paragraph (3), Article 23-2, and Article 30, paragraph (2) following the replacement of terms	Articles 23, paragraph (3) or Article 23-2
Article 26, paragraph (3)	has obtained the license referred to in Article 5, paragraph (1)	has submitted a written notice pursuant to the provisions of Article 5, paragraph (2)
Article 30-7	Article 30 to the preceding Article	Article 30-2 to the preceding Article
Article 59, item (iv)	Article 14, paragraph (2)	Article 14

Article 61, item (i)	a written application as prescribed in Article 5, paragraph (2) (including cases where these provisions are applied mutatis mutandis pursuant to Article 10, paragraph (5)), or documents specified in Article 5, paragraph (3) (including cases where these provisions are applied mutatis mutandis pursuant to Article 10, paragraph (5))	a written notice as prescribed in Article 5, paragraph (2), or documents specified in paragraph (3) of the same Article
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(7) Beyond the provisions of the preceding two paragraphs, any other necessary particulars concerning worker dispatching businesses under the provisions of paragraph (5) are to be specified by Ordinance of the Ministry of Health, Labour and Welfare.

(Designation, etc. of Business Types and Job Categories Pertaining to Business Expansion)

Article 39 (1) With regard to the services provided by a silver human resources center as listed in paragraph (1), items (ii) and (iv) of the preceding Article, a prefectural governor may designate, for each municipal area within the designated area of the center, a business type and job type that are expected to contribute considerably to securing job opportunities for elderly retirees by expanding the scope of services in an area where it is necessary to secure a workforce, and conform to criteria specified by Ordinance of the Ministry of Health, Labour and Welfare in consideration of factors such as the supply-demand situation of the workforce and the impact on business activities of business operators engaged in services of the same type as those listed in items (ii) and (iv) of the same paragraph (with regard to the services listed in the same item, limited to worker dispatching businesses).

(2) When a prefectural governor intends to make a designation set forth in the preceding paragraph, the governor must hear the opinions of the following persons in advance:

- (i) the mayor of the municipality pertaining to the designation;
- (ii) the silver human resources center pertaining to the designation;
- (iii) a person who represents a business operator who operates a fee-based employment placement service or a worker dispatching business relevant to

- the business type and job type to be designated, or a business operator who operates a business of the same type as these in the municipal area pertaining to the designation;
- (iv) a person representing workers in the municipal area pertaining to the designation.
- (3) When a prefectural governor intends to make a designation as set forth in paragraph (1), the governor must consult with the Minister of Health, Labour and Welfare in advance.
- (4) When making a designation pursuant to paragraph (1), the prefectural governor must give public notice of the designated business type, job type, and the municipal area pertaining to the designation.
- (5) With regard to the application of the provisions of paragraph (1), item (ii) of the preceding Article in cases where a silver human resources center, in the municipal area pertaining to the designation set forth in paragraph (1), operates a fee-based employment placement service pursuant to the provisions of paragraph (2) of the preceding Article (limited to those pertaining to job openings for which the place of employment is within the municipal area) for the business type and job type designated pursuant to the provisions of paragraph (1), the term "light activities" in the same item is to be deemed to be replaced with "light activities or activities carried out by utilizing their abilities."
- (6) With regard to the application of the provisions of paragraph (1), item (iv) of the preceding Article in cases where a silver human resources center, in the municipal area pertaining to the designation set forth in paragraph (1), operates a worker dispatching business (limited to cases where the place of dispatch work (referring to the dispatch work prescribed in Article 23-2 of the Worker Dispatching Act) is within the area of the relevant municipality) pursuant to the provisions of paragraph (5) of the preceding Article for the business type and job type designated pursuant to the provisions of paragraph (1), the phrase "or other light activities" in the same item is to be deemed to be replaced with "or other light activities and activities carried out by utilizing their abilities."

Article 40 (1) When the business type and job type for which a designation set forth in paragraph (1) of the preceding Article has ceased to conform to the standards prescribed in the same paragraph, the prefectural governor is to rescind the designation without delay.

- (2) The provisions of paragraph (4) of the preceding Article apply mutatis mutandis to a rescission under the provisions of the preceding paragraph.

(Operation Plans)

Article 41 (1) A silver human resources center must prepare a business plan and an income and expenditure budget on an annual basis, as specified by Ordinance of the Ministry of Health, Labour and Welfare, and submit them to the prefectural governor. The same applies when the silver human resources center intends to revise either of these.

(2) A silver human resources center must prepare and submit an operations report and settlement of accounts to the prefectural governor after the end of each fiscal year of operations, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(Supervision Order)

Article 42 The prefectural governor may, to the extent necessary for enforcing the provisions of this Section, issue to a silver human resources center an order necessary for the supervision of the operations prescribed in Article 38, paragraph (1) (including cases where applied by replacing the terms pursuant to the provisions of Article 39, paragraphs (5) and (6); the same applies in the following Article).

(Revocation of a Designation)

Article 43 (1) When a silver human resources center falls under any of the following items, the prefectural governor may revoke the designation under Article 37, paragraph (1) (hereinafter referred to as the "Designation" in this Article):

(i) when the center is found to be unable to properly and reliably perform the operations provided for in Article 38, paragraph (1);

(ii) when the Center has committed a wrongful act with regard to the Designation;

(iii) when the Center violates the provisions of this Section or orders pursuant to the provisions;

(iv) when the Center violates the dispositions provided for in the provisions of the preceding Article;

(v) when the Center violates the conditions referred to in Article 53, paragraph (1).

(2) In the case of revoking the Designation pursuant to the provisions of the preceding paragraph, the prefectural governor must publicize it.

## **Section 2 Silver Human Resources Center Association**

(Designation)

Article 44 (1) The prefectural governor may, based on applications therefrom, designate Elderly Persons Employment Support Corporations that possess as

its members two or more silver human resources centers and that are deemed to comply with the criteria listed in each item of Article 37, paragraph (1) concerning the operations provided for in Article 38, paragraph (1), applied mutatis mutandis pursuant to the following Article, as persons that are to carry out the operations stipulated in Article 38, paragraph (1), applied mutatis mutandis pursuant to the following Article, with only a single such corporation designated for each area, including municipal areas for which a designation is deemed necessary in accordance with the criteria specified by Ordinance of the Ministry of Health, Labour and Welfare, taking into consideration the designated areas of the centers concerning silver human resources centers that are members of the Elderly Persons Employment Support Corporations and the circumstances of employment opportunities for temporary short-term work in the areas and other circumstances; provided, however, that this designation excludes designated areas of the centers and designated areas of the associations related to silver human resources centers that are not members of Elderly Persons Employment Support Corporations that have applied for such designation from the municipal areas.

- (2) When a silver human resources center has become a member of a silver human resources center association, the silver human resources center association must notify the prefectural governor to that effect. When the notification has been made, the combined area of the designated area of the association pertaining to the silver human resources center association and the designated area of the center pertaining to the silver human resources center is to be the designated area of the association pertaining to the silver human resources center association.
- (3) When the designation set forth in paragraph (1) or the notification set forth in the preceding paragraph has been made, the designation set forth in Article 37, paragraph (1), pertaining to the silver human resources center that is a member of the silver human resources center association pertaining to the designation or notification, will cease to be effective.
- (4) If a notification as provided for in paragraph (2) has been made and the silver human resources center association has requested a change of the designated areas of the association, the prefectural governor may change the designated areas of the association and designate areas which combine the areas of association and municipal areas where a designation is deemed necessary in accordance with the criteria specified by Ordinance of the Ministry of Health, Labour and Welfare in paragraph (1), as designated areas of the association pertaining to the silver human resources center association; provided, however, that the changes exclude designated areas of the centers and designated areas of the association from the municipal areas.

(Application Mutatis Mutandis)

Article 45 The provisions of Article 37, paragraphs (3) to (5) and Articles 38 to 43 apply mutatis mutandis to silver human resources center associations. In this case, the phrase "when making the designation under paragraph (1)" in Article 37, paragraph (3) is deemed to be replaced with "when a designation has been made as provided for in Article 44, paragraph (1), a change has been made to the designated areas of the association as provided for in paragraph (2) of the same Article, or a change has been made to the designated areas of the association as provided for in paragraph (4) of the same Article"; the phrase "location and the area concerned with the designation" is deemed to be replaced with "location and the area pertaining to the designation (if changes are made to the designation, then areas after changes have been made)"; the phrase "the areas (hereinafter referred to as the "designated areas of the centers") pertaining to the designation under paragraph (1) of the preceding Article" in Article 38, paragraph (1) is deemed to be replaced with "the designated area of the association"; the phrase "Article 38, paragraph (2)" in paragraph (3) of the same Article is deemed to be replaced with "Article 38, paragraph (2) as applied mutatis mutandis pursuant to Article 45"; the phrase "and only for elderly retirees, who are its members" in paragraph (5) of the same Article is deemed to be replaced with "and only for elderly retirees, who are its members directly or indirectly"; the phrase "Article 38, paragraph (5)" in Article 5, paragraph (2) in the table under paragraph (6) of the same Article, is deemed to be replaced with "Article 38, paragraph (5) of the same Act as applied mutatis mutandis pursuant to Article 45"; the phrase "silver human resources center" in Article 6, item (vi) and Article 6, item (viii) in the same table is deemed to be replaced with "silver human resources center association"; the phrase "the designated area of the center" in Article 39, paragraph (1) is deemed to be replaced with "the designated area of the association"; the phrase "this Section" in Article 42 is deemed to be replaced with "Chapter VI, Section 2"; the phrase "Article 37, paragraph (1)" in Article 43, paragraph (1) is deemed to be replaced with "Article 44, paragraph (1)"; and the phrase "this Section" in item (iii) of the same paragraph is deemed to be replaced with "Chapter VI, Section 2".

### **Section 3 National Silver Human Resources Center Association**

(Designation)

Article 46 The Minister of Health, Labour and Welfare may designate a general incorporated association or general incorporated foundation established for the purpose of contributing to the enhancement of the welfare of Elderly Persons by actively promoting the practical use of the skills of persons who have

mandatorily retired or other elderly retirees, while making efforts for the sound development of the silver human resources centers and the silver human resources center association, which are recognized to be capable of properly and effectively carrying out the operations provided for in the following Article, as the person, based on applications, are to carry out the operations provided for in the Article, as the single the person designated nationwide.

(Operations)

Article 47 The designated association as provided for in the preceding Article (hereinafter referred to as the "National Silver Human Resources Center Association") is to carry out the following operations:

- (i) to implement activities to educate the public about the operations of silver human resources centers and the silver human resources center association;
- (ii) to conduct training for persons engaged in the operations of silver human resources centers and the silver human resources center association;
- (iii) to provide liaison coordination, guidance, and other assistance for the operations of silver human resources centers and the silver human resources center association;
- (iv) to collect information and materials about the operations of silver human resources centers and the silver human resources center association and provide them to silver human resources centers, the silver human resources center association, and other related parties;
- (v) in addition to the operations listed in the preceding items, to carry out any other operations necessary for furthering the sound development of silver human resources centers and the silver human resources center association and for promoting the active practical use of the abilities of persons who have mandatorily retired and other elderly retirees.

(Application Mutatis Mutandis)

Article 48 The provisions of Article 37, paragraphs (3) to (5) and Articles 41 to 43 apply mutatis mutandis to the National Silver Human Resources Center Association. In this case, the phrase "the prefectural governor" in Article 37, paragraphs (3) to (5) and Articles 41 to 43 is deemed to be replaced with "the Minister of Health, Labour and Welfare"; the phrase "paragraph (1)" in Article 37, paragraph (3) is deemed to be replaced with "Article 46"; the phrase "location of the office and the area concerned with the designation" is deemed to be replaced with "and location of the office"; the phrase "this Section" in Article 42 is deemed to be replaced with "Chapter VI, Section 3"; the phrase "Article 38, paragraph (1) (including the cases where it is applied by replacing terms pursuant to the provisions of Article 39, paragraphs (5) and (6); the same applies in the following Article)" is deemed to be replaced with "Article 47"; the

phrase "Article 37, paragraph (1)" in Article 43, paragraph (1) is deemed to be replaced with "Article 46"; the phrase "Article 38, paragraph (1)" in item (i) of the same paragraph is deemed to be replaced with "Article 47"; and the phrase "this Section" in item (iii) of the same paragraph is deemed to be replaced with "Chapter VI, Section 3".

## **Chapter VII Support by the National Government**

(Support for Employers)

Article 49 (1) In order to promote the stabilization of employment and to further improve the welfare of Elderly Persons, etc. (excluding those specified by Ordinance of the Ministry of Health, Labour and Welfare; hereinafter, the same applies in this paragraph), the national government may take the following measures and other measures to assist employers, workers, and other related parties, etc. in accordance with the Basic Policy for Measures for the Stabilization of Employment for Elderly Persons, etc.:

- (i) to provide benefits to employers or employers' organizations that carry out measures that aim to contribute to expanding employment opportunities for Elderly Persons, etc. such as raising the mandatory retirement age, introducing a continuous employment system, and supporting their re-employment;
  - (ii) to provide consultation and other support to employers and other related parties on technical particulars concerning the employment of Elderly Persons, etc.;
  - (iii) to give the necessary advice and instruction to workers to facilitate their planning of their work life in the period of older age.
- (2) The Minister of Health, Labour and Welfare is to delegate all or part of the processes related to the implementation of the measures provided for in each item of the preceding paragraph to the Organization.
- (3) In the case of conducting the processes related to the implementation of the measures provided for in paragraph (1), item (i) and when it is deemed necessary with regard to the processes, the Organization may request an employer to submit reports on necessary particulars.

(Research on Improving Employment Management)

Article 50 The national government is to strive to conduct the necessary investigation to research and develop materials concerning particulars, such as the expansion of the range of occupations for Elderly Persons and other improvements in employment management and the development and improvement of their work abilities with a view to contribute to the stabilization of employment of Elderly Persons and the promotion of their

welfare.

(Improvement of Facilities Providing Employment Placements)

Article 51 (1) The national government is to strive to improve facilities necessary to effectively provide employment placements, etc. for Elderly Persons.

(2) If local governments, etc. take measures to promote the employment of Elderly Persons, such as the establishment of facilities for providing occupational counseling services for Elderly Persons, the national government may give the necessary support to them.

### **Chapter VIII Miscellaneous Provisions**

(Reporting of Employment Conditions, etc.)

Article 52 (1) An employer must prepare and submit a report once a year to the Minister of Health, Labour and Welfare on the circumstances surrounding the mandatory retirement age, the continuous employment system, the continuous employment system for persons 65 years of age or older, the measures for start-up support, etc. and other particulars pertaining to securing job opportunities for Elderly Persons pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(2) In addition to the annual report referred to in the preceding paragraph, when the Minister of Health, Labour and Welfare deems it necessary for the enforcement of this Act, the Minister of Health, Labour and Welfare may request an employer submit reports on necessary particulars concerning the circumstances provided for in the same paragraph, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(Designation Conditions)

Article 53 (1) Conditions may be attached to the designation under the provisions of this Act, and such conditions may be changed.

(2) The conditions under the preceding paragraph must be limited to the minimum necessary changes to ensure the steady implementation of the particulars pertaining to the designation, and must not impose unreasonable duties on the person subject to the designation.

(Transitional Measures)

Article 53-2 Where a Cabinet Order or Ordinance of the Ministry of Health, Labour and Welfare is established, amended, or repealed under the provisions of this Act, necessary transitional measures (including transitional measures on penal provisions) may be specified by a Cabinet Order or Ordinance of the

Ministry of Health, Labour and Welfare respectively, within limits that can be reasonably considered to be necessary in connection with the establishment, amendment, or repeal concerned.

(Delegation of Authority)

Article 54 (1) Part of the authority of the Minister of Health, Labour and Welfare specified in this Act may be delegated to the directors of the Prefectural Labor Bureaus, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(2) The authority delegated to the directors of the Prefectural Labor Bureaus under the provisions of the preceding paragraph may be delegated to the Chief of the Public Employment Security Office, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

### **Chapter IX Penal Provisions**

Article 55 A person who fails to submit a report or submits a false report under the provisions of Article 49, paragraph (3) is punished by a fine of not more than 500,000 yen.

Article 56 If a representative of a corporation, or an agent, employee or other worker of a corporation or a natural person has committed a violation under the preceding Article, with regard to the operations of the corporation or the natural person, not only the offender is punished, but the corporation or the natural person is also punished by the fine provided for in the same Article.

Article 57 A person (in the case of a corporation, then its representative) who fails to submit a notification or submits a false notification under the provisions of Article 16, paragraph (1), is punished by a non-penal fine of not more than 100,000 yen.

### **Supplementary Provisions**

(Effective Date)

Article 1 This Act comes into effect as of October 1, 1971.

Article 2 Deleted

(Temporary Measures Concerning Employment of Middle-Aged and Elderly Persons in the National Government and Local Governments)

Article 3 The employment of middle-aged and Elderly Persons under the

provisions of Article 2, paragraph (2), item (i) by corporations established by national and local governments, as well as legal entities directly established by law, by corporations established by a special act of incorporation pursuant to a special act, or by corporations established by a local government pursuant to a special act (limited to corporations specified by Cabinet Order for which all or most of the stated capital comes from investment by the national government or local governments, or for which the primary source of funds for expenses necessary for the projects to be carried out comes from grants or subsidies from the national government or local governments) is, until otherwise provided for by law, as provided for in the provisions of Articles 7 to 9 prior to the revision under Article 2 of the Act to Partially Revise the Act on the Promotion of the Employment of Disabled Persons and the Act on Special Measures Concerning the Promotion of the Employment of Middle-Aged and Elderly Persons (Act No. 36 of 1976). In this case, the phrase "the Minister of Labour" in Article 7, paragraph (1) and Article 9 prior to the revision under Article 2 of the same Act is deemed to be replaced with "Minister of Health, Labour and Welfare."

#### **Supplementary Provisions [Act No. 78 of September 5, 2012]**

(Effective Date)

- (1) This Act comes into effect as of April 1, 2013; provided, however, that the provisions of the following paragraph come into effect as of the date of promulgation.

(Preparatory Actions)

- (2) The formulation of guidelines referred to in the provisions of Article 9, paragraph (3) revised by this Act, related procedures, and other necessary actions may be conducted according to the provisions of the same paragraph and paragraph (4) of the same Article even if prior to the enforcement of this Act.

(Transitional Measures)

- (3) With regard to an employer who is deemed to have taken the measures listed in Article 9, paragraph (1), item (ii), pursuant to the provisions of Article 9, paragraph (2) prior to revision by this Act at the time of the enforcement of this Act, the provisions of paragraph (2) of the same Article remain in effect until March 31, 2025. In this case, the phrase "the criteria" in the same paragraph is deemed to be replaced with "the criteria (limited to those that apply to persons who are 61 years of age or more)" from the date of enforcement of this Act to March 31, 2016; with the phrase "the criteria (limited to those that apply to persons who are 62 years of age or more)" from

April 1 of the same year to March 31, 2019; with the phrase "the criteria (limited only to those to whom persons who are 63 years of age or more are subjected)" from April 1 of the same year to March 31, 2022; and with the phrase "the criteria (limited to those that apply to persons who are 64 years of age or more)" from April 1 of the same year to March 31, 2025.

**Supplementary Provisions [Act No. 71 of July 6, 2018 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2019; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed respectively in those items:

- (i) the provisions of Article 3, the provisions of Article 7, paragraph (2), Article 8, paragraph (2), Article 14 and Article 15 of the Supplementary Provisions; the amended provisions of Appended Table 1 of the Act on Public Consultants on Social and Labour Insurance (Act No. 89 of 1968) under Article 18 of the Supplementary Provisions; the amended provisions of Article 28 and Article 38, paragraph (3) of the Act on Stabilization of Employment of Elderly Persons (Act No. 68 of 1971) under Article 19 of the Supplementary Provisions; the amended provisions of Article 30, paragraph (2) of the Act for Improvement of Employment of Construction Workers (Act No. 33 of 1976) under Article 20 of the Supplementary Provisions; the provisions of Article 27 of the Supplementary Provisions; the amended provisions of Article 4, paragraph (1), item (lii) of the Act Establishing the Ministry of Health, Labour and Welfare (Act No. 97 of 1999) under Article 28 of the Supplementary Provisions and the amended provisions of Article 9, paragraph (1), item (iv) of that Act (limited to the part adding "the Act on Comprehensive Promotion of Labor Policies, Stability of Employment of Workers and Enhancement of Occupational Life" under "(Act No. 46 of 1998)"); and the provisions of Article 30 of the Supplementary Provisions: the date of promulgation.
- (ii) the provisions of Article 5 (other than the provisions amending Articles 44 through 46 of the Worker Dispatching Act); the provisions of Articles 7 and 8; the provisions of Article 6; Article 7, paragraph (1); Article 8, paragraph (1); and Articles 9, 11, 13, and 17 of the Supplementary Provisions; the provisions of Article 18 of the Supplementary Provisions (other than the provisions set forth in the preceding item), the provisions of Article 19 of the Supplementary Provisions (other than the provisions set forth in the preceding item); the provisions of Article 20 of the Supplementary Provisions (other than the provisions set forth in the preceding item); the provisions of Articles 21, 23, and 26 of the Supplementary Provisions; and the provisions

of Article 28 of the Supplementary Provisions (excluding the provisions specified in the preceding item): April 1, 2020

(Transitional Measures Concerning Penal Provisions)

Article 29 Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages before this Act comes into effect (or before the provisions set forth in Article 1, item (iii) of the Supplementary Provisions come into effect) and to acts that a person commits after this Act comes into effect in the case where prior laws are to continue to govern pursuant to the provisions of these Supplementary Provisions or if prior provisions are to remain in force pursuant to the provisions of these Supplementary Provisions.

(Delegation to Cabinet Order)

Article 30 Beyond what is provided in these Supplementary Provisions, transitional measures required for the enforcement of this Act (including transitional measures concerning penal provisions) will be provided for by Cabinet Order.

**Supplementary Provisions [Act No. 37 of June 14, 2019 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day on which three months have elapsed from the date of promulgation.

**Supplementary Provisions [Act No. 14 of March 31, 2020 Extract]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2020; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed respectively in those items:

- (i) the provisions of Article 1 revising Article 19, paragraph (1) of the Employment Insurance Act; the provisions deleting the title of Article 36 of the same Act; the provisions revising Article 48 and Article 54 of the same Act; the provisions revising Article 4, Article 5, Article 10 and Article 11-2, paragraph (1) of the Supplementary Provisions of the same Act; and the provisions of Article 10, Article 26 and Articles 28 to 32 inclusive of the Supplementary Provisions: the date of promulgation.
- (ii) and (iii) omitted
- (iv) the provisions of Article 1 revising Article 62, paragraph (1), item (iii) and Article 66, paragraph (3), item (i), (a) of the Employment Insurance Act, and

the provisions revising paragraph (4) of the same Article (excluding the part revising "item (iii) of the preceding paragraph" to "item (iv) of the preceding paragraph"); the provisions of Article 3; the provisions of Article 4 revising Article 12, paragraph (1), item (i) and paragraph (9) of the Act on Collection, etc. of Insurance Premiums of Labor Insurance, the provisions changing the same paragraph to paragraph (10) of the same Article and adding one paragraph after paragraph (8) of the same Article, the provisions adding one paragraph to the same Article, and the provisions revising Article 11, paragraph (2) of the Supplementary Provisions of the same Act; the provisions of Article 5, and the provisions of Article 6 revising Article 102, paragraph (2) of the Act on Special Accounts and revising Article 19-2 of the Supplementary Provisions of the same Act (excluding the part revising "fiscal year 2019" to "fiscal year 2021"); and the provisions of Article 9, paragraph (2) and Article 11, paragraph (1) of the Supplementary Provisions: April 1, 2021

(Preparatory Actions)

Article 10 Even prior to the enforcement of the provisions listed in Article 1, item (iv) of the Supplementary Provision, procedures and other acts necessary for the establishment of the guidelines prescribed in Article 10-2, paragraph (4) of the Act on Stabilization of Employment of Elderly Persons after revision pursuant to the provisions of Article 5, may be carried out in accordance with the provisions of Article 10-2, paragraph (5) of the same Act.

(Transitional Measures Concerning Penal Provisions)

Article 31 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (with regard to the provisions listed in the items of Article 1 of the Supplementary Provisions, the provisions; hereinafter the same applies in this Article and the following Article) and acts committed after the enforcement of this Act, as in cases where the provisions then in force remain applicable pursuant to the provisions of these Supplementary Provisions, the provisions then in force remain applicable.

(Delegation to Cabinet Order)

Article 32 Beyond what is provided for in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act are to be specified by Cabinet Order.

**Supplementary Provisions [Act No. 12 of March 31, 2022 Extract]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2022; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed respectively in those items:

(i) the provisions of Article 2 revising Article 32 and Article 32-11, paragraph (1) of the Employment Security Act, and the provisions of Article 28 of the Supplementary Provisions: the date of promulgation.

(ii) omitted

(iii) the provisions of Article 1 revising Article 10-4, paragraph (2) and Article 58, paragraph (1) of the Employment Insurance Act; the provisions of Article 2 (excluding the revised provisions listed in item (i) and the provisions to revise the table of contents of the Employment Security Act (limited to the part revising "Article 48" to "Article 47-3"), the provisions revising Article 5-2, paragraph (1) of the same Act, and the revised provisions adding one Article before Article 48 in Chapter IV of the same Act), the provisions of Article 3 (excluding the provisions revising Article 10-3, item (i) of the Vocational Abilities Development Promotion Act, the provisions to add one paragraph to the same Article, the provisions revising Article 15-2, paragraph (1) of the same Act, and the revised provisions to add one paragraph to Article 18 of the same Act), the provisions of the following Article, and the provisions of Articles 5, 6, and 10 of the Supplementary Provisions; the provisions in Article 11 of the Supplementary Provisions revising Article 10, paragraph (10) of the Act on National Public Officers' Retirement Allowance; the provisions of Article 14 of the Supplementary Provisions revising Article 4, paragraph (2) and Article 18 of the Act on Youth Employment Promotion (Act No. 98 of 1970), and the provisions revising Article 33 of the same Act (excluding the part that deletes the phrase ", in Article 11, the phrase 'Public Employment Security Offices' is deemed to be replaced with 'District Transport Bureau,' the phrase 'Ordinance of the Ministry of Health, Labour and Welfare' is deemed to be replaced with 'Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism,' and the phrase 'Article 5-5, paragraph (1) of the Employment Security Act' is deemed to be replaced with 'Article 15, paragraph (1) of the Mariners' Employment Security Act.'"); and the provisions of Articles 15 through 22, Article 24, Article 25, and Article 27 of the Supplementary Provisions: October 1, 2022

(Delegation to Cabinet Order)

Article 28 Beyond what is provided for in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act are to be specified by Cabinet Order.